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November 15, 1995

VIA FEDERAL EXPRESS

Re: Bayonne Barrel & Drum Superfund Site
150-154 Raymond Boulevard
Newark, Essex County, New Jersey

Mr. Joseph Cosentino, OSC
Removal Action Branch
Emergency and Remedial Response Division
U.S. Environmental Protection Agency
Region II
2890 Woodbridge Avenue
Edison, N.J. 08837

Dear Mr. Cosentino:

On behalf of Reckitt & Colman Inc. I enclose the company's response to the USEPA's Request for Information Pursuant to Section 104(e) of CERCLA in connection with the Bayonne Barrel & Drum Superfund Site.

Very truly yours,


Vito A. Pinto

VAP:rw
Enclosure

cc: Mark Seidenberg, Esq. (w/encl.)
Terrence J. Farrell, Esq. (w/encl.)
Mr. James I. Hendrickson (w/encl.)

464362



**RESPONSE OF RECKITT & COLMAN INC.
TO THE USEPA'S REQUEST FOR INFORMATION
REGARDING THE BAYONNE BARREL & DRUM SITE
150-154 RAYMOND BOULEVARD
NEWARK, ESSEX COUNTY, NEW JERSEY**

Reckitt & Colman Inc. ("Reckitt & Colman") submits this response to the Request for Information ("Request") of the United States Environmental Protection Agency ("USEPA" or the "Agency") purportedly under the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation & Liability Act, 42 U.S.C. §§ 9601 et seq. ("CERCLA") regarding the Bayonne Barrel & Drum Site, 150-154 Raymond Boulevard, Newark, Essex County, New Jersey (the "Site"). Reckitt & Colman makes this response (i) without admitting any liability or any issue of law or fact; (ii) without admitting that any hazardous substance was shipped by Reckitt & Colman to, or deposited by Reckitt & Colman at, the Site; and (iii) without prejudice to any position Reckitt & Colman may take in connection with the Site or any action or proceeding related to the Site in the future.

Reckitt & Colman has searched the records it considers likely to contain information responsive to the Agency's Request, and similarly has interviewed those former and current employees it considers likely to provide such responsive information. However, Reckitt & Colman cannot categorically state that it has not inadvertently overlooked some piece of information that the Agency may consider responsive in whole or in part to its Request or may cause Reckitt & Colman upon discovery of such information to supplement, modify or revise any of its responses herein. Accordingly, Reckitt & Colman reserves the right to supplement,

modify and revise any of its responses to the Request set forth below.

Reckitt & Colman further objects to the Agency's Request on the following grounds:

1. Reckitt & Colman objects to Requests Nos. 5, 6 and 7 as unauthorized by CERCLA to the extent they concern matters that are not reasonably related to (i) the identification of materials that may have been generated, treated, stored or disposed of at the Site; (ii) the release or threatened release of hazardous substances at the Site; or (iii) the ability of a person that could be liable under CERCLA to pay for the cleanup of the Site.

2. Reckitt & Colman objects to Requests Nos. 5, 6 and 7 as unauthorized by CERCLA to the extent they seek information of such minimal relevance to the subject matter of the Request and impose such a burden on Reckitt & Colman to assemble that this Request, as applied, is arbitrary, capricious and unreasonable.

3. Reckitt & Colman objects to the Instructions For Responding To Request For Information as unauthorized by §104(e) of CERCLA, overbroad and unnecessary to obtaining responsive information within the proper scope of §104(e) of CERCLA, impermissibly vague and arbitrary, capricious and unreasonable, and without limiting the generality of the foregoing, Reckitt & Colman specifically objects to the direction to consult with "every source of information to which you have access" and "[a]ll documents or other information".

4. Reckitt & Colman objects to each of the Agency's Requests to the extent they purport to require Reckitt & Colman to state or disclose information protected by the attorney-client or attorney work product privileges. Accordingly, Reckitt & Colman has not produced any privileged documents in response to this Request.

Subject to and without waiving the foregoing, Reckitt & Colman hereby responds to the Agency's Request as follows:

REQUEST:

1. General Information About the Company

- a. State the correct legal name of the Company.

RESPONSE:

Reckitt & Colman Inc.

On December 31, 1988, Airwick Industries, Inc. ("Airwick Industries"), a wholly-owned subsidiary of Reckitt & Colman was merged into and became a division of Reckitt & Colman.

REQUEST:

- b. Identify the legal status of the Company (corporation, partnership, sole proprietorship, specify if other) and the state in which the Company was organized.

RESPONSE:

Reckitt & Colman is a corporation organized and existing under the laws of the State of Delaware.

REQUEST:

- c. State the names(s) and address(es) of the President and the Chairperson of the Board of the Company.

RESPONSE:

President:
Joseph M. Healy
Reckitt & Colman Inc.
225 Summit Avenue
Montvale, NJ 07645-1575
(201) 573-5700

Chairperson of the Board:
Michael F. Turrell
Reckitt & Colman Inc.
1655 Valley Road
Wayne, NJ 07470
(201) 633-3600

REQUEST:

- d. If the Company has subsidiaries or affiliates, or is a subsidiary of another organization, identify these related companies and state the names(s) and address(es) of the President(s) and the Chairperson(s) of the Board of those organizations. Provide such information for any further parent/subsidiary relationships.

RESPONSE:

Reckitt & Colman Inc. is a wholly-owned subsidiary of Reckitt & Colman Chiswick (OTC) Ltd., a company organized under the laws of England which is a wholly-owned subsidiary of Reckitt & Colman plc, an English public limited company. Set forth below is a list of the subsidiaries of Reckitt & Colman Inc.:

| <u>Subsidiary</u> | <u>Status</u> | <u>President/Chairman of the Board</u> |
|--|--|--|
| Reckitt & Colman Subsidiary Corporation | Delaware Investment Holding Company incorporated 6/27/90 | Craig D. Steeneck (Pres.) 1655 Valley Road Wayne, NJ 07470 |
| Linden Corporation | Delaware Investment Holding Company incorporated 12/1/94 | Craig D. Steeneck (Pres.) 1655 Valley Road Wayne, NJ 07470 |

| <u>Subsidiary</u> | <u>Status</u> |
|---------------------------------------|---|
| L&F Products International Inc. | Delaware corporation incorporated 7/2/91 |
| Boyle-Midway Household Products, Inc. | Inactive Delaware corporation incorporated 5/4/87 |
| Boyle-Midway, Inc. | Inactive Delaware corporation incorporated 12/31/57 |
| Boyle-Midway Subsidiary Corporation | Inactive Nevada corporation incorporated 3/26/90 |
| Boyle-Midway Puerto Rico | Inactive Puerto Rico corporation incorporated 5/4/90 |

Reckitt and Colman also has a U.S. affiliate, Reckitt & Colman Pharmaceuticals, Inc. which was incorporated in Delaware on July 1, 1991, and is a wholly-owned subsidiary of Reckitt & Colman Chiswick (OTC) Ltd.

REQUEST:

- e. If the Company is a successor to, or has been succeeded by, another company, identify such other company and provide the same information requested above for the predecessor or successor company.

RESPONSE:

Reckitt & Colman Inc. was incorporated in Delaware on June 10, 1977, under the name Reckitt & Colman, North America, Inc. The company name was changed to Reckitt & Colman Inc. on January 3, 1989.

REQUEST:

- f. If the Company transacted business with Bayonne Barrel & Drum in the name of an entity not disclosed above, give the name of such entity and state its relationship to the Company.

RESPONSE:

Airwick Industries, Inc.

REQUEST:

2. Company's Relationship to Bayonne Barrel & Drum
 - a. State whether the Company or any Company facility transacted any business with Bayonne Barrel & Drum for the disposal, treatment, or storage of any barrels, drums, or other containers (hereinafter collectively referred to as "Containers").
 - i. If so, describe the relationship (nature of services rendered or products sold to the Company) between the Company and Bayonne Barrel & Drum;
 - ii. Provide copies of any contracts or agreements between the Company and Bayonne Barrel & Drum;
 - iii. For each such facility, state the nature of the operations conducted at the facility, including the time period in which the facility operated; and
 - iv. For each such facility, state its name, address, and current RCRA Identification Number.

RESPONSE:

- a. A former Airwick Industries employee recalls that Airwick Industries transacted business with Bayonne Barrel & Drum from approximately 1972 to 1977 or 1978.
 - i. It is believed that Bayonne Barrel & Drum purchased empty drums from Airwick Industries on a periodic basis;
 - ii. No contracts or agreements are believed to exist;

iii. Airwick Industries was in the business of manufacturing air-freshening and cleaning products for consumer markets and cleaning products for the institutional maintenance market. These products included detergents, disinfectants, odor counteractants, floor care products, carpet cleaners and others.

iv. Airwick Industries, Inc.
111 Commerce Street
Carlstadt, NJ 07072
RCRA Identification No. NJD001212729

REQUEST:

- b. In addition, if the Company transacted business with Bayonne Barrel & Drum, provide the following information for each transaction:
- i. Identify the specific dates of each transaction. Where an exact date cannot be provided for a transaction, provide an approximation by month and year;
 - ii. Identify the number of Containers that were the subject of each such transaction;
 - iii. Generically describe each Container that was the subject of each such transaction (example: closed-head steel drums, etc.);
 - iv. Identify the intended purpose of each such transaction;
 - v. State whether each Container that was the subject of the transaction contained any substance at the time of the transaction. As to each Container that contained any substance:
 - (1) Identify each such substance, including its chemical content, physical state, quantity by volume and weight, and other characteristics; and
 - (2) Provide all written analyses that may have been made for each such substance or which may be in the custody or control of the Company and all material safety data sheets, if any, relating to each such substance;

- vi. If you contend that any such Container did not contain any substance at the time of the transaction:
 - (1) State whether such Container had previously been used by the Company to contain any substance, and if so:
 - (a) Identify all substances previously contained within such Container, including its chemical content, physical state, and other characteristics; and
 - (b) Provide as to such substances, all written analyses that may have been made for each such substance or which may be in the custody or control of the Company and all material safety data sheets, if any, relating to each such substance;
- vii. Describe in detail any treatment of any Container that may have been performed by or on behalf of the Company prior to the time that the Container was transferred from the Company, including any process or procedure by which the Container was emptied or cleaned;
- viii. Provide copies of all documents relating in any way to each transaction, including copies of delivery receipts, invoices, or payment devices;
- ix. Identify all persons who might have knowledge of the transaction or who had any responsibility regarding the transaction; and
- x. If you sent any Container by means of any third party transporter, identify each such transporter, including the name and address of such transporter, and identify in which of the transactions such transporter acted.

RESPONSE:

2.

- i. The specific dates of the transactions are unknown. A former employee believes that Airwick Industries transacted business with Bayonne Barrel & Drum from approximately 1972 to 1977 or 1978.
- ii. Unknown.

- iii. Closed-head steel 55 gallon drums;
- iv. Empty drums were removed from the plant;
- v. The drums that were removed would not have contained any substances at the time of removal. The drums were cleaned prior to being removed from the site.

(1) See response to v. above.

(2) None.

vi.

(1) The drums contained various raw materials that were used in connection with Airwick Industry's manufacturing processes.

(a) These substances included solvents, surfactants, alcohols, fragrance oils and waxes.

(b) None.

vii. Drums were cleaned inside and out with solvents and/or water and substances were removed prior to the drums being purchased by reclaimer and taken off-site. Any existing labels were scraped off the outside of the drums or spray-painted over with dark paint.

viii. None located at this time.

ix. Ms. Rosa Cairella
Former Human Resources Manager
Airwick Industries, Inc.
111 Commerce Street
Carlstadt, NJ 07072
Current telephone number (201) 489-8315

Mr. William Madison
Former Plant Manager
at Airwick Industries
Current address and telephone number unknown.

Mr. Felix Ruggeri
Former Warehouse Supervisor at
Airwick Industries
Current address and telephone number unknown.

x. Unknown.

REQUEST:

3. Identify any other person (e.g., individual, company, partnership, etc.) having knowledge of facts relating to the questions which are the subject of this inquiry. For each such person that you identify, provide the name, address, and telephone number of that person, and the basis of your belief that he or she has such knowledge. For past and present employees, include their job title and a description of their responsibilities.

RESPONSE:

Current Employees

Mr. James I. Hendrickson
Plant Manager
Reckitt & Colman Inc.
225 Summit Avenue
Montvale, NJ 07645-1575
(201) 573-5700
Former Plant Manager at Airwick Industries.

Mr. Peter Rinaldi
Currently Process Manager, Operations Systems
Reckitt & Colman Inc.
1655 Valley Road
Wayne, NJ 07474
(201) 633-3600
Formerly Materials Manager at Airwick Industries.

Mr. Naresh Modhera
Manager, Quality Control
Reckitt & Colman Inc.
Rte. 206 and Hillsborough Road
Bellemead, NJ 08502
(908) 874-5181
Formerly Quality Control Manager at Airwick Industries.

Terrence Farrell, Esq.
Corporate Counsel
Reckitt & Colman Inc.
225 Summit Avenue
Montvale, NJ 07645-1574
(201) 573-5700

Former Employees

Mr. John Loftus
Former Production Supervisor at Airwick Industries

Mr. John Lipyanek
Former Liquid Mixing Supervisor
and Manager of Quality Control
at Airwick Industries
Currently Facilities Manager,
Ferrero USA
600 Cottontail Lane
Somerset, NJ 08873
(908) 764-9300

Ms. Rosa Cairella
Former Human Resources Manager
at Airwick Industries.
(201) 489-8315

Mr. William Madison
Former Plant Manager
Airwick Industries
Current address and telephone number unknown.
Believed to possess information regarding plant
operations.

Mr. Felix Ruggeri
Former Warehouse Supervisor
Airwick Industries
Current address and telephone number unknown.
Believed to possess information of plant
operations.

REQUEST:

4. Identify each person consulted in responding to these questions and correlate each person to the question on which he or she was consulted.

RESPONSE:

In addition to consultation with counsel, other persons consulted are as follows:

| <u>Person Consulted</u> | <u>Questions</u> |
|--------------------------|------------------|
| Mr. James I. Hendrickson | 2-4 |
| Mr. Peter Rinaldi | 2-4 |
| Mr. Naresh Modhera | 2-4 |
| Terrence Farrell, Esq. | 1, 5-7 |
| Mr. John Loftus | 2-4 |
| Mr. John Lipyanek | 2-4 |
| Ms. Rosa Cairella | 2-4 |

REQUEST:

5. Provide a list of all insurance policies and indemnification agreements held or entered into by you that may indemnify you against any liability that you may be found to have under CERCLA. Specify the insurer, type of policy, effective dates, and state per occurrence policy limits for each policy. Copies of policies may be provided in lieu of a narrative response. In response to this Request, please provide not only those policies and agreements that are currently in effect, but also those in effect since your company began sending Containers to the Site.

RESPONSE:

Reckitt & Colman objects to this Request as overbroad, unreasonable and unauthorized by §104(e) of CERCLA to the extent it seeks information pertaining to the existence of insurance and indemnification agreements other than applicable to any claim relating to the Site. Without waiving this objection, Reckitt & Colman states that it is in the process of reviewing its insurance policies. If the Agency requires further information in this regard, please contact the undersigned.

REQUEST:

6. State whether there exists any agreement or contract (other than an insurance policy) which may indemnify the Company, present or past directors, officers or owners of shares in the Company, for any liability that may result under CERCLA. Provide a copy of any such agreement or contract. Identify any agreement or contract that you are unable to locate or obtain.

RESPONSE:

Reckitt & Colman objects to this Request as overbroad, unreasonable and unauthorized by §104(e) of CERCLA to the extent it seeks information pertaining to contractual indemnification for matters other than any claim relating to the Site. Without waiving these objections, Reckitt & Colman states that it is in the process of reviewing any such agreements or contracts. If the Agency requires further information in this regard, please contact the undersigned.

REQUEST:

7. Supply any additional information or documents that may be relevant or useful to identify other sources who disposed of or transported Containers to the Site.

RESPONSE:

Reckitt & Colman objects to this Request as impermissibly vague and overbroad and, accordingly, not authorized by §104(e) of CERCLA. Reckitt & Colman is not at this time aware of any additional information or documents that may be relevant or useful to identify other sources who disposed of or transported Containers to the Site.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of New Jersey

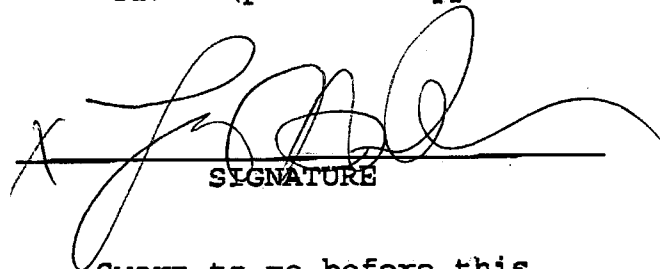
County of Bergen

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Lawrence J. Friedman
NAME (print or type)

Senior V.P., General Counsel

TITLE (print or type)

X 
SIGNATURE

Sworn to me before this

14 day of November 1995


Notary Public

KAREN A. DeFRANCO
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires May 16, 1999